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10/765,338	01/26/2004	Christopher Clemmett Macleod Beck	P8600	9881

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EXAMINER

CHEEMA, UMAR

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2444

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/765,338	Applicant(s) MACLEOD BECK ET AL.	
	Examiner UMAR CHEEMA	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/15/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the Request for Continued Examination (RCE) transmitted on 09/15/2008. Claims 40-69 are pending with claims 40-41, 43-45, 47, 49, 51-60, 62, 64, 66, 67, 69 being amended.

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 09/15/2008 has been entered.

Applicant's arguments, see remarks, filed 09/15/2008, with respect to 35 U.S.C. 101 Rejection have been fully considered and are persuasive. The 35 U.S.C. 101 rejection to claims 40-53 has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 40-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shtivelman (US Patent # 6,535,492) in view of Matsui et al (Matsui) (US Patent # 6,401,122).

Regarding claim 40, Shtivelman discloses substantially the invention as claimed a communication management system, comprising: a computer appliance (see abstract, figure 1 and the details related; system is using computer appliances); software stored on and executable from a computer-readable medium accessible by the computer appliance (see abstract; col. 2, lines 27-43; data repository storing parameters and a management software executes on a server associated with the communication center system), the software providing: a choice of a plurality of communication-management zones, each zone having associated therewith a unique set of users, each user identified by a unique name in the zone, and one or more management policies associated with each zone, each user associated with a management policy (see col. 1, lines 45-56, col. 1, lines 28-35, col. 2, lines 44-57; rules and regulations regarding sessions); wherein the system activates a zone based at least on names of active

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users, and enforces a management policy as long as the zone is active (see col. 2, lines 3-15 also figure 1 and the details related; limits regarding a number of participants allowed in each active chat session must be manually set by agents or an administrator on behalf of agents).

Shtivelman substantially discloses the invention as claimed for the given reason above however does not explicitly disclose wherein said a plurality of zones each with unique set of users and each user identified by a unique name in the zone. However in the same field of invention Matsui discloses wherein said a plurality of zones each with unique set of users and each user identified by a unique name in the zone (see figure 1, 14-15 and the details related, col. 8, lines 41-59, col. 1, lines 18-67; communication areas 1, 2, and 3 each with identified users or clients and area identifiers (names) each for mutually discriminating a plurality of communication areas).

It would have been obvious to one of the ordinary skill in the art of networking at the time of this invention to combine the teaching of Shtivelman and Matsui for a communication management system. Motivation for doing so would have been this system is advantageous for a communication management apparatus for managing a joining of symbols in a virtual world in a message communication system in which a plurality of user terminals are interconnected, the plurality of user terminals sharing the virtual world comprising a plurality of virtual spaces, and the symbols each defined for the associated one of the user terminals which will join the virtual world, and messages are exchanged among a plurality of user terminals corresponding to a plurality of symbols which have

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entered the same virtual space (see Matsui: col. 1, lines 7-14).

Regarding claim 41, the combination of Shtivelman and Matsui disclose wherein Matsui further discloses the system of claim 40 wherein a unique name refers to a single user, but may vary from zone to zone as an alias (see figure 1, col. 8, lines 41-59).

Regarding claim 42, Shtivelman discloses the system of claim 40 wherein the communication involves transmission over the Internet network (see figure 1 (13); Internet).

Regarding claim 43, the combination of Shtivelman and Matsui disclose wherein Matsui further discloses the system of claim 40 wherein the unique names include one or more identities of persons accessible on a communication network (see col. 16, lines 9-25).

Regarding claim 44, the combination of Shtivelman and Matsui disclose wherein Matsui further discloses the system of claim 43 wherein individual ones of the unique names may be aliases referring to a single contact (see figure 1, col. 8, lines 41-59).

Regarding claim 45, Shtivelman discloses the system of claim 40 wherein individual ones of the zones are defined by various social environments engaged in by a user (see col. 1, lines 57-67, col. 2, lines 1-2).

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Regarding claim 46, Shtivelman discloses the system of claim 42 wherein communication is supported in multiple modes and protocols, including but not limited to voice and text modes (see col. 1, lines 17-27).

Regarding claim 47, the combination of Shtivelman and Matsui disclose wherein Matsui further discloses the system of claim 46 wherein unique names of users vary by communication mode as well as by zone (see figure 1, col. 8, lines 41-59).

Regarding claim 48, Shtivelman discloses the system of claim 46 wherein the multiple modes include email, instant messaging, RSS, and voice mode (see col. 1, lines 17-27).

Regarding claim 49, the combination of Shtivelman and Matsui disclose the system of claim 40 wherein pairing of users is used in determining and enforcing communication policy (see Shtivelman: col. 1, lines 28-35, col. 2, lines 44-57; Matsui: col. 8, lines 41-59).

Regarding claim 50, Shtivelman discloses the system of claim 40 further comprising generating alerts from attempted policy violation (see col. 7, lines 37-45).

Regarding claim 51, Shtivelman discloses the system of claim 40 wherein a user name may be in a form of a URL, an email address, a telephone number, a machine address,

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an IP address, or an Enum address (see col. 1, lines 17-27, col. 5, lines 32-42).

Regarding claim 52, the combination of Shtivelman and Matsui disclose the system of claim 40 wherein policy includes protocol for automatic handling of incoming communication events, the handling determined by one or both of user initiating communication and mode of communication (see Shtivelman: figure 3, col. 1, lines 28-35, col. 2, lines 44-57; Matsui: col. 8, lines 41-59).

Regarding claim 53, the combination of Shtivelman and Matsui disclose wherein Matsui further discloses the system of claim 40 further comprising an editing facility for a user to create and populate zones, names and policy (see col. 8, lines 41-59,).

Regarding claim 54, Shtivelman discloses substantially the invention as claimed a method for managing communication, comprising steps of:

- (a) at a communication interface provided by software executing from a machine-readable medium of a computer appliance (see abstract, figure 1 and the details related; system is using computer appliances), activating one of a plurality of communication-management zones based on at least on names of active users, (see col. 2, lines 3-15 also figure 1 and the details related; limits regarding a number of participants allowed in each active chat session must be manually set by agents or an administrator on behalf of agents); and
- (b) enforcing a management policy in sending or routing communications determined at

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least in part by user names associated with the zone (see col. 1, lines 28-35, col. 2, lines 44-57, see col. 2, lines 27-43; data repository storing parameters and a management software executes on a server associated with the communication center system and col. 1, lines 45-56; rules and regulations regarding sessions).

Shtivelman substantially discloses the invention as claimed for the given reason above however does not explicitly disclose wherein said plurality of communication-management zones and a unique name associated with the zone. However in the same field of invention Matsui discloses wherein said plurality of communication-management zones and a unique name associated with the zone (see figure 1, 14-15 and the details related, col. 8, lines 41-59, col. 1, lines 18-67; communication areas 1, 2, and 3 each with identified users or clients and area identifiers (names) each for mutually discriminating a plurality of communication areas).

It would have been obvious to one of the ordinary skill in the art of networking at the time of this invention to combine the teaching of Shtivelman and Matsui for a communication management system. Motivation for doing so would have been this system is advantageous for a communication management apparatus for managing a joining of symbols in a virtual world in a message communication system in which a plurality of user terminals are interconnected, the plurality of user terminals sharing the virtual world comprising a plurality of virtual spaces, and the symbols each defined for the associated one of the user terminals which will join the virtual world, and messages are exchanged among a plurality of user terminals corresponding to a plurality of symbols which have

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entered the same virtual space (see Matsui: col. 1, lines 7-14).

Regarding claim 55, Shtivelman discloses the method of claim 54 further comprising a step for content analysis of a message and/or an attachment for identification and verification of a user (see col. 7, lines 8-20).

Regarding claim 56, the limitations of this claim has already been addressed (see claim 41 above).

Regarding claim 57, the limitations of this claim has already been addressed (see claim 42 above).

Regarding claim 58, the combination of Shtivelman and Matsui disclose the method of claim 54 wherein the names include one or more users using an instance of the software on a different computer appliance (see Shtivelman: figure 1, col. 27-44 and Matsui: col. 8, lines 41-59).

Regarding claim 59, the limitations of this claim has already been addressed (see claim 44 above).

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Regarding claim 60, the limitations of this claim has already been addressed (see claim 45 above).

Regarding claim 61, the limitations of this claim has already been addressed (see claim 46 above).

Regarding claim 62, the limitations of this claim has already been addressed (see claim 47 above).

Regarding claim 63, the limitations of this claim has already been addressed (see claim 48 above).

Regarding claim 64, the limitations of this claim has already been addressed (see claim 49 above).

Regarding claim 65, the limitations of this claim has already been addressed (see claim 50 above).

Regarding claim 66, the limitations of this claim has already been addressed (see claim 51 above).

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Regarding claim 67, the limitations of this claim has already been addressed (see claim 52 above).

Regarding claim 68, the limitations of this claim has already been addressed (see claim 53 above).

Regarding claim 69, combination of Shtivelman and Matsui disclose wherein Matsui further discloses the method of claim 68 wherein some of the names may be temporary ad hoe identifies (see figure 1, col. 8, lines 41-59).

Response to Arguments

3. Applicant's arguments with respect to claims 40-69 have been considered but they are not persuasive. However, because there exists the likelihood of future presentation of these arguments, the Examiner thinks that it is prudent to address applicant's main point of contention. Applicant's arguments includes:

A. Regarding Independent claims 40 and 54, Applicant argues that Shtivelman does not teach or suggest "a plurality of different, selectable zones" and "a unique set of users associated with each of the different zones". Applicant further argues that Shtivelman does not teach or suggests, "enforcing a management policy based on at least on names of active users", as now claimed in independent claims 40 and 54 now.

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As for Point A, it is Examiner's position that Shtivelman in view of Matsui teach or suggest, " a plurality of different, selectable zones" and "a unique set of users associated with each of the different zones (see Matsui: figure 1, 14-15 and the details related, col. 8, lines 41-59, col. 1, lines 18-67; communication areas 1, 2, and 3 each with identified users or clients and area identifiers (names) each for mutually discriminating a plurality of communication areas)" and "enforcing a management policy based on at least on names of active users (see Shtivelman: col. 2, lines 3-15 also figure 1 and the details related; limits regarding a number of participants allowed in each active chat session must be manually set by agents or an administrator on behalf of agents)", as claimed above.

Applicant appears to assert that neither reference individually teaches these aspects of claim 40 and 54. In response to the applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. see *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As detailed above in the rejection that the combination of Shtivelman and Matsui teach or suggest, " a plurality of different, selectable zones" and "a unique set of users associated with each of the different zones (see Matsui: figure 1, 14-15 and the details related, col. 8, lines 41-59, col. 1, lines 18-67; communication areas 1, 2, and 3 each with identified users or clients and area identifiers (names) each for mutually discriminating a plurality of communication areas)" and "enforcing a management policy based on at least on names of active users (see

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Shtivelman: col. 2, lines 3-15 also figure 1 and the details related; limits regarding a number of participants allowed in each active chat session must be manually set by agents or an administrator on behalf of agents)", as claimed above. It is Examiner's position that the 35 U.S.C 103(a) rejection to claims 40-69 is proper.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the form PTO-892 (Notice of Cited Reference) for a list of more relevant prior arts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444